

**Notice of Allowability**

Application No.

09/884,875

Examiner

Jennifer Dunston

Applicant(s)

CHEN ET AL.

Art Unit

1636

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication(s) filed 12/14/2005.
2. ☒ The allowed claim(s) is/are 1,4,7-10,19-24 and 43-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward Baba on 3/16/2006.

The application has been amended as follows:

In the specification:

Paragraph [0016] has been replaced with the following:

[0016] Fig. 1C is a photograph of a gel showing the TSA treatment promotes higher intranuclear levels of RelA expression.

In the claims:

1. (currently amended) A method for identifying an agent that modulates NF- $\kappa$ B activity in transcription of a gene in a eukaryotic cell, the method comprising:

Art Unit: 1636

contacting a candidate agent with a eukaryotic cell in vitro, wherein the eukaryotic cell comprises detectably labeled RelA, wherein deacetylation results in release of detectable label from RelA; and

detecting ~~[[a]]~~ the level of deacetylated detectably labeled RelA;

wherein detection of a decrease in the level of detectably labeled RelA in the presence of the candidate agent compared to a level of detectably labeled RelA in the absence of the candidate agent indicates that the agent inhibits activity of NF- $\kappa$ B gene transcription in the eukaryotic cell.

7. (currently amended) A method for identifying a substance that inhibits NF- $\kappa$ B activity, comprising testing a substance for activity in promoting deacetylation of RelA or inhibiting ~~[[of]]~~ RelA acetylation, the method comprising the steps of:

exposing a sample comprising a detectably labeled RelA to a test substance, wherein deacetylation results in release of detectable label from RelA;

comparing the level of detectably labeled RelA in the sample comprising the test substance to the level of detectably labeled RelA in a sample without the test substance; and

determining whether the level of detectably labeled RelA in the sample exposed to the test substance is less than the level of detectably labeled RelA in the sample without the test substance;

wherein a decrease in detectably labeled RelA in the presence of the test substance indicates the test substance inhibits NF- $\kappa$ B activity.

Art Unit: 1636

22. (currently amended) The method of claim 1, wherein said contacting is in the presence of HDAC3 and wherein detection of an increase of deacetylated RelA in the presence of the candidate agent is compared to a level of deacetylated RelA in the absence of the candidate agent.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Dunston whose telephone number is 571-272-2916. The examiner can normally be reached on M-F, 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel can be reached at 571-272-0781. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR, <http://pair-direct.uspto.gov>) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days.

Art Unit: 1636

Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Jennifer Dunston, Ph.D.  
Examiner  
Art Unit 1636

jad

CELINE QIAN, PH.D.  
PRIMARY EXAMINER

